

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.3.2007

CORAM

THE HON'BLE MR.JUSTICE P.D.DINAKARAN  
AND

THE HON'BLE MR.JUSTICE P.P.S.JANARTHANA RAJA

Writ Appeal No.506 of 1999

V.Perumal (deceased) rep. By  
Legal Representatives

1. Kamalam
2. P.Siva
3. P.Raja
4. P.Devi
5. Palaniammal

.. Appellants

(Appellants 1 to 5 substituted  
in the place of sole Appellant  
V.Perumal (deceased) by order  
dated 27.3.2007 made in WAMP.  
No.348 of 2005)

Vs.

1. The State of Tamil Nadu  
rep. by its Secretary  
Education Department  
Fort St.George, Chennai 9.

2. The Chief Education Officer  
Trichy.

3. The District Education Officer  
Lalgudi, Trichy District.

.. Respondents

Writ Appeal filed under Clause 15 of the Letters patent against the order of the learned Single Judge dated 6.11.1998 made in W.P.No.19225 of 1990 to call for the Records relating to the order dated 22.8.90 made in O.Mu.15500/A.5/90 of the 3<sup>rd</sup> Respondent therein and quash the same.

|                 |   |                               |
|-----------------|---|-------------------------------|
| For Appellants  | : | Mr.G.K.Selvarajan             |
| For Respondents | : | Mr.G.Sankaran                 |
|                 |   | Additional Government Pleader |

## J U D G M E N T

(Delivered by P.D.DINAKARAN, J.)

The appellants are the legal representatives of one V.Perumal (deceased), the original unsuccessful writ petitioner and the appellant in the above appeal.

2.1. Brief facts of the case, so far they are relevant are that: V.Perumal was originally appointed as a part-time Craft Teacher in Aided Middle School, Puliampatti in the year 1960. Thereafter, his services were regularised and he was working as full-time Craft Teacher with effect from 1.6.1962.

2.2. As per the recommendations of the One Man Committee, which was accepted by the Government by G.O.Ms.No.1366, Education Department, dated 15.9.1986, the Craft Teacher with minimum educational qualification, viz., S.S.L.C. shall be paid Secondary Grade Scale and those who did not possess minimum educational qualification were granted time for a minimum period of three years to qualify themselves with minimum educational qualification, viz., S.S.L.C.

2.3. V.Perumal duly qualified himself by passing S.S.L.C. Examination during April, 1989 and represented to the second respondent for revision of scale of pay as per G.O.Ms.No.1366, Education Department, dated 15.9.1986. Thereafter, the third respondent, by order dated 2.1.1990, revised the scale of pay of V.Perumal on par with that of Secondary Grade Teachers with effect from 27.4.1989. In the meanwhile, the recommendations of the V Pay Commission came into force from 27.4.1989 and the scale of pay of V.Perumal was revised and fixed at Rs.1200-30-560-40-2040.

2.4. When the matter stood thus, the third respondent by proceedings dated 22.8.1990, which is impugned in the writ petition, set aside the earlier order dated 2.1.1990, on the ground that the V.Perumal does not possess Technical Teacher Certificate and the minimum qualification as contemplated by the One Man Committee, which was accepted by G.O.Ms.No.1366, Education Department, dated 15.9.1986. Thus, while setting aside the proceedings dated 2.1.1990, the third respondent refixed the pay at Rs.520/- per month and also proposed to recover the amount excessively paid to V.Perumal. Being aggrieved by the proceedings of the third respondent dated 22.8.1990, V.Perumal filed W.P.No.19225 of 1990.

3. The said writ petition (W.P.No.19225 of 1990) was disposed of by this Court by order dated 6.11.1998 on the ground that the V.Perumal, having been conferred with a vested right by virtue of his revised scale fixed vide proceedings dated 2.1.1990, the third respondent ought to have given him an opportunity of being heard before reducing the scale of pay

adversely and passing the consequential order proposing to recover the amount alleged to have been paid to him excessively. The learned Single Judge, thus, set aside the order dated 22.8.1990 and remitted the matter for fresh enquiry.

4. Exasperated by the said order of remittance dated 22.8.1990, V.Perumal preferred this appeal. Pending appeal, unfortunately, V.Perumal died and his legal representatives were brought on record as appellants.

5. In the appeal, it is contended on behalf of the appellants that as per G.O.Ms.No.1366, Education Department, dated 15.9.1986 accepting the recommendations of the One Man Committee, the Government only required the Craft Teachers working in the Middle Schools to qualify themselves with minimum general educational qualification, viz., S.S.L.C., for availing the salary of Secondary Grade Teachers and therefore, denying the benefits conferred under G.O.Ms.No.1366, Education Department, dated 15.9.1986 on the ground that the petitioner did not possess Technical Teacher Certificate, by the proceedings dated 22.8.1990 is arbitrary, unreasonable and illegal.

6. At this juncture, it is apposite to extract G.O.Ms.No.1366, Education Department, dated 15.9.1986, which reads as under:

"Government of Tamil Nadu  
Abstract

Education - School Education - **General Education qualification** for the post of Craft Instructors in Middle Schools. High Schools revision of scale of pay to Craft Teachers - recommendations of the One Man Committee - Orders issued.

=====

Education Department

G.O.Ms.No.1366

Dated: 15.9.1986

Read :

G.O.Ms.No.1267/Finance (P.C.I) dated 8.12.1985

ORDER:-

The One Man Committee constituted as per G.O. read above, has recommended that the minimum **general educational qualification for the post of Craft teachers** working in the Middle Schools may be raised as S.S.L.C. pass on par with their counter parts in High Schools and the scale of pay of Rs.610-20-730-25-955-30-1075 be given to the persons so qualified among them.

**The One Man Committee has also recommended that the unqualified craft teachers may be allowed time for a minimum period of 3 years to qualify themselves in S.S.L.C. for obtaining the Secondary Grade Scale of pay.**

2. The Government after careful examination accept the above recommendations and accordingly direct that the General Educational qualification for the post of Craft teachers in the middle schools under all kinds of Managements be raised to S.S.L.C. as prescribed in the Tamilnadu Private Schools Regulation Act, 1973, the Craft Teachers **with the S.S.L.C. qualification shall be allowed Secondary Grade with Scale of pay of Rs.610-20-730-25-955-1075 irrespective of the fact whether they are working in middle/high schools.** The unqualified craft teachers that is with the VIII Std., qualification shall be allowed time for a minimum period of 3 years to qualify themselves and after that they shall be allowed Secondary Grade Scale of pay of Rs.610-20-730-25-955-1075.

3. This order issued with the concurrence of the Finance Department vide its U.O.No.99567/PR.II/86.1.

/ BY ORDER OF THE GOVERNOR /

sd/-

Commissioner & secretary to Government"

(emphasis supplied)

7. It is seen from G.O.Ms.No.1366, Education Department, dated 15.9.1986 that the One Man Committee required the minimum general educational qualification for Craft teachers working in Middle Schools to be raised to S.S.L.C. to enable them obtain Secondary Grade scale of pay and those who did not possess such minimum general educational qualification of S.S.L.C. were permitted to complete S.S.L.C. within three years from the date of the said Government Order. V.Perumal, who did not possess the said minimum general educational qualification of S.S.L.C., concededly, completed S.S.L.C within the period prescribed under G.O.Ms.No.1366, Education Department, dated 15.9.1986. If that be so, we find some force in the argument made on behalf of the appellants that withdrawal of right conferred on V.Perumal by proceedings dated 22.8.1990 is arbitrary, unreasonable and illegal.

8. Since the above factual aspect has not been properly placed before the learned Single Judge for his appreciation, we see no justification in remitting the matter for consideration that too when V.Perumal was permitted to serve as Craft Teacher on part-time basis from the year 1960

and on full-time basis from 1.6.1962 till the date of passing of the proceedings dated 22.8.1990. On this ground, the order of the learned Single Judge dated 6.11.1998 made in W.P.No.19225 of 1990 is set aside in so far as the remittance is concerned and the order impugned in the writ petition dated 22.8.1990 stands quashed with a further direction to the third respondent not to recover any amount from the salary and terminal benefits of the said V.Perumal.

In the result, this writ appeal is allowed. No costs.

Sd/-  
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

sasi

To:

1. The Secretary to Government  
Education Department  
State of Tamilnadu  
Fort St.George, Chennai 9.
  2. The Chief Education Officer  
Trichy.
  3. The District Education Officer  
Lalgudi, Trichy District.
- + 1 CC To Mr. G.K.Selvarajan, Advocate SR NO.19242

Writ Appeal No.506 of 1999

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